

**CALIFORNIA STATE BOARD OF EDUCATION**

1430 N Street; P.O. Box 944272  
Sacramento, CA 95814-5901

**TITLE 5. EDUCATION****CALIFORNIA STATE BOARD OF EDUCATION****NOTICE OF PROPOSED RULEMAKING****Reading First Program**

[Notice published April 25, 2003]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

**PUBLIC HEARING**

The State Board will hold a public hearing beginning at **9:00 a.m. on Thursday, June 12, 2003**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on Monday, June 9, 2003**. The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator  
California Department of Education  
LEGAL DIVISION  
1430 N Street, Room 5319  
Sacramento, California 94244-2720  
Telephone : (916) 319-0641 FAX: (916) 319-0155  
E-mail: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)

**AUTHORITY AND REFERENCE**

Authority: Sections 12001 and 33031, Education Code; 20 USC 6361 et seq. (Title I, Part B, federal No Child Left Behind Act), California's Approved Reading First Plan as approved by the United States Department of Education on August 23, 2002.

Reference: Chapter 730, Statutes of 2002; *Carmen Doe v. Wilson* (1997) 57 CalApp.4<sup>th</sup> 296, 305, and *Schenley Affiliated Brands Corp. v. Kirby* (1971) 21 Cal.App.3d 177, 194-195.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The federal Reading First Program is a competitive grant program that supports scientifically research based K-3 reading programs as defined in 20 USC 6368(6) in schools serving high poverty, low reading ability, students. The purpose of this federal program is to ensure that all students in the program read well by the end of the third grade (20 USC 6361). Funds are released to states after their state plan is reviewed by a panel of reading experts and the USDE has determined that the state plan meets all the program requirements (20 USC 6363).

In order to meet the purpose of this federal program and receive USDE approval, California's Reading First Plan requires that local education agencies (LEAs) implement one of two adopted reading programs and the accompanying professional development for teachers and principals, as well as assessments geared to the particular reading program and California's English-Language Arts Content Standards Test. This comprehensive approach will provide students with the necessary support to reach proficiency on the English-Language Arts Content Standards Test by the end of the third grade; California's equivalent to reading well by the end of the third grade. The two adopted reading programs include an additional 30-45 minutes per day of English-language development to assist English language learners to reach proficiency on the English-Language Arts Content Standards Test by the end of the third grade.

Local education agencies (LEAs) must compete for Reading First funding to conduct these comprehensive reading programs in select schools. Applicant LEAs can include between 50-75% of their eligible schools on their subgrant application. Once the subgrant application is submitted, it is scored against a rubric. Each subgrant application that receives a passing score is then reviewed for the awarding of priority points for serving high numbers of low-income students. Finally, the passing applications are ranked according to score from high to low, and funded until the federal funding is exhausted.

This regulation would affect how the amount of the grant for each approved subgrant application is calculated. Specifically it would provide that the per classroom amount of between \$6,500 and \$8,000 be applied only to classrooms that agreed to implement the full English language arts program in the adopted instructional materials in English for one hour in Kindergarten and 2.5 hours in grades 1-3, inclusive, each day. This is necessary to implement California's Approved Reading First Plan which was approved by the USDE based on California's scientifically research based adopted instructional materials in English that are aligned to California's English-Language Arts Content Standards and support students reaching proficiency on California's English-Language Arts Content Standards Test by the end of third grade.

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: There is no affect on small businesses because Local Educational Agencies are the only eligible subgrantees.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### **CONTACT PERSONS**

Inquiries concerning the substance of the proposed regulations should be directed to:

Karen Steentofte, Chief Counsel  
California State Board of Education  
1430 N Street, Room 5111  
Sacramento, CA 95814  
E-mail: [ksteento@cde.ca.gov](mailto:ksteento@cde.ca.gov)  
Telephone: (916) 319-0827

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to Debra Strain, Regulations Adoption Coordinator, or to the backup contact person, Natalie Vice, at (916) 319-0642.

### **AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

#### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.